REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

2. 35 U.S.C. §102(e). The Examiner has rejected Claims 1-8, 11-20, 22-27, and 31 under 35 U.S.C. §102(e) as being anticipated by Lumelsky (U.S. Pat. No. 6,246,672).

Applicant respectfully disagrees.

Claims 1 and 22 appear as follows:

1. A method of advertising, the method comprising:

maintaining an Internet-related communication session between a user and a portal; and

during the communication session, selectively providing advertisements based on any one of user constraints and sales criteria.

22. A system for advertising using voice control, the system comprising:

means for maintaining a communication session between a user and a portal; and

means for providing advertisements during the communication session based on any one of user constraints and sales criteria.

In particular, Lumelsky does not teach, disclose, or contemplate a system that selectively providing advertisements based on any one of user constraints and sales criteria as claimed in the invention. Lumelsky does not contemplate such a system. Lumelsky makes no mention of selectively providing advertisements based on any one of user constraints and sales criteria.

The Office Action states that Lumelsky discloses "selectively providing advertisements (col 4, lines 39-42 and col 8, lines 38-40)." Col. 4, lines 39-42 state:

> "American RDBS version reserves groups 3, 5, 6 and 7 for renting by station owners to service providers. For example, content providers may transmit newspapers and periodicals, promotional messages and advertising, artist's name and title of song."

Col. 8, lines 38-40 state:

> "In general, the singlecast interactive radio system 100 delivers digitized audio-based content to subscribers upon their request, economically and with human voice qualities."

Lumelsky discloses a radio system that delivers digitized audio-based content to users. The fact that the audio content is provided to the user based on the user's request has no bearing on the present invention. Lumelsky does not contemplate selectively providing advertisements based on any one of user constraints and sales criteria as claimed in the invention. The excerpt from col. 4, lines 39-42 states the simple fact that broadcasters can transmit advertisements. Lumelsky's invention has nothing to do with the advertisements that the broadcasters include in their regular broadcasts. Lumelsky rebroadcasts the content provider's original content to the user and does not modify the content itself. In other words, the content provider's content is static (col. 8, lines 38-60).

Lumelsky therefore does not teach every aspect of the invention either explicitly or impliedly.

Claims 1 and 22 are allowable. Claims 2-8, 11-20, and 21-27, 31 are dependent upon Claims 1 and 22, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

3. 35 U.S.C. §102(e). The Examiner has rejected Claims 32-50 under 35 U.S.C. §102(e) as being anticipated by Dedrick (U.S. Pat. No. 5,724,521).

Applicant respectfully disagrees.

Claims 32, 42, and 46 appear as follows:

32. A method of advertising comprising:

generating a set of possible advertisements, the set of possible advertisements being related to a context;

ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

providing advertisements from the set of possible advertisements based on the ordering.

42. A system of advertising comprising:

means for generating a set of possible advertisements, the set of possible advertisements being related to a context;

means for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

means for providing advertisements from the set of possible advertisements based on the ordering.

46. A computer program product comprising computer readable program code for advertising with an Internet portal, the program code in the computer program product comprising:

first computer readable program code for generating a set of possible advertisements;

second computer readable program code for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

third computer readable program code for providing advertisements from the set of possible advertisements based on the ordering.

In particular, Dedrick does not teach, disclose, or contemplate a system that orders the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements as claimed in the invention. Dedrick does not contemplate such a system. Dedrick makes no mention of ordering a set of possible advertisements based on a sales criteria associated with each advertisement. The Office Action refers to col. 2, lines 5-10 and lines 15-20. Col.2 lines 5-10 state:

> "The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process."

Col.2 lines 15-20 state:

> "At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. The higher the characteristics of the end users served by a particular metering server fall, the higher the fee charged to the advertiser."

There is no ordering mentioned in the cited sections. Dedrick does not teach or disclose ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements. Such an ordering is not contemplated by Dedrick.

Dedrick's system allows publishers/advertisers to provide content and advertisements through a yellow page server. The advertisements are sent to users via metering servers. The metering servers send advertisements to users. Advertisers are charged

based on how much an end user matches the advertiser's consumer scale. (see Figs. 7a and 7b) Col. 4, line 59-col. 5, line 4 state:

> "The advertiser 18 is also provided with software tools to generate a "consumer scale" for each individual advertisement. The consumer scale represents the value of the advertisement to the advertiser in terms of the consumer characteristics of the end users which will consume the advertisement. In one embodiment, the consumer scale provides a range of particular numbers of consumer variables which must be satisfied by particular numbers of end users served by a metering server 14 in order for the advertiser 18 to pay a particular price. The advertiser 18 then transfers this consumer scale along with the advertisement to the yellow page servers 22, where it is subsequently made available to the end users of the metering servers 14."

Dedrick performs no ordering ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements, but simply delivers advertisements to users.

Further, Dedrick does not teach, disclose, or contemplate a system that provides advertisements from the set of possible advertisements based on the ordering as claimed in the invention. Dedrick does not contemplate such a system. Dedrick makes no mention of providing advertisements from the set of possible advertisements based on the ordering.

Dedrick therefore does not teach every aspect of the invention either explicitly or impliedly.

Claims 32, 42, and 46 are allowable. Claims 33-41 and 43-45, and 47-50 are dependent upon Claims 32, 42, and 46, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

4. 35 U.S.C. §103(a). The Examiner has rejected Claims 9, 10, 21, and 28-30 under 35 U.S.C. §103(a) as being unpatentable over Lumelsky (U.S. Pat. No. 6,246,672) in view of Dedrick (U.S. Pat. No. 5,724,521).

The rejection of Claims 9, 10, 21, and 28-30 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1 and 22 above. Claims 9, 10, 21, and 28-30 are dependent upon Claims 1 and 22, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

5. 35 U.S.C. §103(a). The Examiner has rejected Claim 51 under 35 U.S.C. §103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,724,521) in view of Lumelsky (U.S. Pat. No. 6,246,672).

The rejection of Claim 51 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 32, 42, and 46 above. Claim 51 is dependent upon Claim 46, which is in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the objections and rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,

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